

MAR 22 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **March 18, 2004**.

Jinny Nguyen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: March 18, 2005

Jeff A. JOSTEN and Christopher J. MUNSON

Confirmation No.: 5056

Serial No.: 09/705,967

Group Art Unit: 2167

Filed: November 3, 2000

Examiner: Pannala, Sathyanaraya R.

For: METHOD AND SYSTEM FOR RECOVERING DATA IN A PLURALITY OF SYSTEMS

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

NOTICE OF APPEAL UNDER 37 CFR §1.191

Sir:

In the Final Office Action dated December 3, 2004, and in the Advisory Action dated February 28, 2005, the Examiner rejected Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, and 23-28. In response, Applicant hereby appeals to the Board the decision of the Primary Examiner. An Appellant's Brief will be filed in triplicate within two months from the date of this notice.

The Commissioner is hereby authorized to charge \$500.00 to Deposit Account No. 09-0460 (IBM Corporation) for the Appeal fee. The Commissioner is also authorized to charge any fees additional fees required by this communication to Deposit Account 09-0460 (IBM Corporation).

If any unresolved issues remain, please contact Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP



Michele Liu  
 Attorney for Applicants  
 Reg. No. 44,875  
 (650) 493-4540

March 18, 2005

Date

03/23/2005 MAHMED1 00000002 090460 09705967

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<b>TRANSMITTAL FORM</b> <small>MAR 22 2005</small>	Attorney Docket No. <u>STL000039US1/1715P</u>
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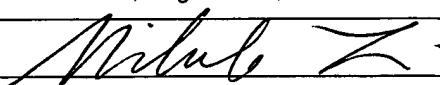
Examiner: Pannala, Sathyanaraya R.

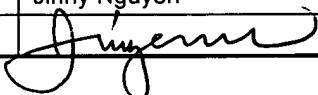
For: Method and System for Recovering Data in a Plurality of Systems

<b>ENCLOSURES (check all that apply)</b>					
<input type="checkbox"/>	Amendment/Reply	<input type="checkbox"/>	Assignment and Recordation Cover Sheet	<input type="checkbox"/>	After Allowance Communication to Group
<input type="checkbox"/>	<input type="checkbox"/> After Final	<input type="checkbox"/>	Part B-Issue Fee Transmittal	<input checked="" type="checkbox"/>	Notice of Appeal
<input type="checkbox"/>	Information disclosure statement	<input type="checkbox"/>	Letter to Draftsman	<input type="checkbox"/>	Appeal Brief ( <i>in triplicate</i> )
<input type="checkbox"/>	<input type="checkbox"/> Form 1449	<input type="checkbox"/>	Drawings	<input type="checkbox"/>	Status Letter
<input type="checkbox"/>	<input type="checkbox"/> (X) Copies of References	<input type="checkbox"/>	Petition	<input checked="" type="checkbox"/>	Postcard
<input checked="" type="checkbox"/>	Extension of Time Request *	<input type="checkbox"/>	Fee Address Indication Form	<input type="checkbox"/>	Other Enclosure(s) ( <i>please identify below</i> ):
<input type="checkbox"/>	Express Abandonment	<input type="checkbox"/>	Terminal Disclaimer		
<input type="checkbox"/>	Certified Copy of Priority Doc	<input type="checkbox"/>	Power of Attorney and Revocation of Prior Powers		
<input type="checkbox"/>	Response to Incomplete Appln	<input type="checkbox"/>	Change of Correspondence Address		
<input type="checkbox"/>	Response to Missing Parts	<b>*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for one month(s), from March 3, 2005 to April 3, 2005.</b>			
<input type="checkbox"/>	<input type="checkbox"/> Executed Declaration by Inventor(s)				

<b>CLAIMS</b>					
FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	16	22	0	\$ 50.00	\$ 0.00
Independent Claims	3	4	0	\$200.00	\$ 0.00
				Total Fees	\$ 0.00

<b>METHOD OF PAYMENT</b>					
<input type="checkbox"/>	Check no. _____ in the amount of \$ _____ is enclosed for payment of fees.				
<input checked="" type="checkbox"/>	Charge \$620.00 to Deposit Account No. 09-0460 (IBM Corporation) for payment of appeal and extension fees.				
<input checked="" type="checkbox"/>	Charge any additional fees or credit any overpayment to Deposit Account No. 09-0460 (IBM Corporation).				

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>					
Attorney Name	Michele Liu, Reg. No. 44,875				
Signature					
Date	March 18, 2005				

<b>CERTIFICATE OF MAILING</b>					
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <b>March 18, 2005</b>					
Type or printed name	Jinny Nguyen				
Signature					

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